

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GARRETT ROLFE,)	
)	
Plaintiff,)	
)	Civil Action File No.
v.)	1:22-cv-02339-MHC
)	
KEISHA LANCE BOTTOMS, et al.,)	
)	
Defendants.)	

CONSENT MOTION TO STAY PRELIMINARY DEADLINES

Plaintiff Garrett Rolfe, and Defendants City of Atlanta, Fulton County, Georgia, Keisha Lance Bottoms, Erika Shields, Clint Rucker, Paul Howard, and Donald Hannah, II, respectfully request that the Court stay all procedures and requirements of Fed. R. Civ. P. 26 and N.D. Ga. Local Rule 26.1, including the deadline for the Parties to serve initial disclosures, pending the Court's ruling on Defendants' Motions to Dismiss. In support of this Motion, the Parties show the following:

1. Defendant Fulton County, Georgia filed a motion to dismiss [ECF No. 25] on August 19, 2022.
2. Defendant Hannah filed a motion to dismiss [ECF No. 39] on August 24, 2022.

3. Defendants City of Atlanta, Bottoms, and Shields (“City Defendants”) jointly filed a motion to dismiss [ECF No. 47] on September 9, 2022.

4. Defendant Howard filed a motion to dismiss [ECF No. 48] on September 9, 2022.

5. Defendant Rucker filed a motion to dismiss [ECF No. 49] on September 12, 2022.

6. Plaintiff plans to file a response to each of Defendants’ motions to dismiss and Defendants plan to file replies in support of their respective motions.

7. If the Court grants one or more of the motions to dismiss, it will eliminate the need for discovery with respect to the dismissed Defendant(s) or claim(s). Accordingly, the requested stay will promote judicial economy and efficiency by preventing costly discovery that could potentially be unnecessary.

8. This Court has broad discretion to stay discovery until it resolves these motions. *See Chudasma v. Mazda Motor Corp.*, 123 F. 3d 1353, 1367-68 (11th Cir. 1997). Courts within the Eleventh Circuit routinely find good cause to stay discovery where there is a pending motion to dismiss. *See, e.g., Habib v. Bank of Am. Corp.*, No. 1:10-cv-04079-SCJ-RGV, 2011 WL 2580971, at *6 n.4 (N.D. Ga. Mar. 15, 2011) (“[T]here is good cause to stay discovery obligations until the District Judge rules on [the defendant’s] motion to dismiss to avoid undue expense to both

parties.”); *Berry v. Canady*, No. 2:09-cv-765-FtM-29SPC, 2011 WL 806230, at *1 (M.D. Fla. Mar. 2, 2011) (quoting *Moore v. Potter*, 141 F. App’x 803, 807 (11th Cir. 2005)) (“[N]either the parties nor the court have any need for discovery before the court rules on the motion [to dismiss].”).

9. The Parties do not seek this stay for delay or any improper purpose. Therefore, for the efficiency of the Parties and the Court, the Parties respectfully request that all Rule 26 and N.D. Ga. L.R. 26 deadlines run from the time of the Court’s last ruling on Defendants’ pending motions to dismiss.

10. A proposed order is attached for the Court’s convenience.

Respectfully submitted, this 15th day of September 2022.

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the within and foregoing ***Consent Motion to Stay Preliminary Deadlines*** and ***Proposed Order*** with the Clerk of Court using the CM/ECF system which will automatically send notification of such filing to the following attorneys of record:

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This 15th day of September 2022.

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